

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO:

 ORIGINAL

Richard C. Foy

Plaintiff,

vs

Defendant

Dioceses of Charlotte, North Carolina

and Saint Mark Catholic Church

Civil Action: 3:23-cv-365

Hate Crime; Discrimination

Defamation

(Jury Demanded)

FILED
CHARLOTTE, NC

JUN 21 2023

US DISTRICT COURT
WESTERN DISTRICT OF NC

1. The plaintiff, proceeding pro se, complaining of defendant, alleges and says:

Plaintiff, Richard C. Foy, hereinafter, Foy, NC-DL 2124522, is an individual above the age of seventeen (17) years who resides at 6015 Skyline Dr.; Charlotte, North Carolina 28269.

2. Defendant is the Catholic Diocese of Charlotte which is located at: 1123 S Church St, Charlotte, North Carolina 28203; through one of the diocese's church's, St Mark Catholic Church 14740 Stumptown Rd, Huntersville, North Carolina 28078.

3. Pursuant to the Rules of Civil Procedures: Rule 8. General Rules of Pleading: CLAIM FOR RELIEF. A pleading that states a claim for relief must contain:

- (1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;
- (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and
- (3) a demand for the relief sought, which may include relief in the alternative or different types of relief.

4. Pursuant to the Hate Crime Act of 2009, 18 U.S.C. & 249 plaintiff is informed and believes and therefore alleges that defendant, the Catholic Diocese of Charlotte, North Carolina; through the Church Community of Saint Mark Catholic Church, has defamed and committed a Discriminatory Hate Crime against plaintiff, Richard C Foy, because of his diagnosis of having bipolar disorder;

which was recently, 2019, revised to be 100% disabled by the Veterans Administration due to PTSD because of his action in Vietnam.

PRO SE STANDARD OF REVIEW

5. Because the plaintiff is pro se, the Court has a higher standard when faced with a motion to dismiss a pro se complaint must read the complaint's allegations expansively, *Haines v Kerner* 404 U.S. 519, 520-521, 92S. Ct. 94, 596, 30 L. Ed. 2d 652 (1972) and take them as true for purposes of deciding whether they state a claim. *Curz v Beto*, 405 U.S. 319, 322, 92S. Ct. 1079, 1081, 31 L. Ed. 2D 263 (1972)
6. Pro se litigants' Court submissions are to be construed liberally and held to less stringent standards than submissions of lawyers. If the court can reasonably read the submissions, it should do so despite failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction or litigant' unfamiliarity with rule requirements. *Boag v. MacDougall*, 454 U.S. 364, 102 S.Ct. 700, 70 L.Ed2d 551(1982); *Estelle v. Gamble*, 429 U.S. 97, 106, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976)(quoting *Conley v. Gibson*, 355 U.S. 41, 45-46, 78 SCt. 99, 2 L.Ed.2d 80 (1957); *Haines v. Kerner*, 404 U.S. 519, 92 SCt. 594, 30 L.Ed.2d 652 (1972) ...
7. The courts provide pro se parties wide latitude when construing their pleadings and papers. When interpreting pro se papers, the Court should use common sense to determine what relief the party desires. *S.E.C. v. Elliott*, 953 F. 2d 1560, 1582 (11th Cir. 1992) See also, *Poling v. K.Hovnanian Enterprises*, 99 F.Supp.2d 502, 506-07 (D.N.J. 2000)
8. Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the Supreme Law of the Land. The judge is engaged in acts of treason.

HATE CRIME DISCRIMINATION

9. Because of this diagnosis; The Very Reverend John T Putnam, JV, hereinafter, the church,

Pastor of Saint Mark Catholic Church, located at 14740 Stumptown Rd., Huntersville and a staff member, Nancy McGahey, responsible for lector scheduling, intentionally and maliciously denied plaintiff from lecturing since September 25, 2020. Plaintiff has attempted to correct this situation using, personal visits, letters, emails and telephone calls up to the present, June 16, 2023.

10. Not only has defendant violated secular law, but also Biblical teachings as follows:

a) **Psalm 103:6:** *"The LORD works righteousness and justice for all who are oppressed;" i.e.,*

"The Mentally Ill."

b) **Matthew 5:25** *"Come to terms quickly with your accuser while you are going with him to court, lest your accuser hands you over to the judge, and the judge to the guard, and you be put in prison."*

11. Foy has attempted to meet with the Diocese and work out a solution, but at this date, June 16, 2023 they have chosen to ignore.

DEFAMATION

12. No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains [subject to 12 exceptions]." 5 U.S.C. § 552a(b).

13. 28 U.S. Code § 410: The term "defamation" means any action or other proceeding for defamation, libel, slander, or similar claim alleging that forms of speech are false, have caused damage to reputation or emotional distress, have presented any person in a false light, or have resulted in criticism, dishonor, or condemnation of any person.

14. Because the Stigma of having a mental illness is so severe, telling the truth is more damaging than lying about it. Once family, friends, employers, and now the church learns that you have

a mental illness you lose your dignity, credibility, integrity, trustworthiness and many others.

Plaintiff has experienced the following;

- a) Lost 4 jobs because a of employee jealousy; even though his performance reports were excellent. No one will terminate you for having a mental illness, what ever reason they use, you can't go public; i.e., newspaper, radio, TV, because the employer can allege that you became disruptive and they were forced to terminate you.
- b) Some members of your family, again jealousy, are more vicious than the general public.
- c) Once friends, that know you have a mental illness, have children, they stop seeing you at their home.
- d) Now the church, Diocese of Charlotte, through the community of St Mark Catholic Church has not allowed me to lector or be a catechist, simply for having a mental illness

15. These acts have brought severe emotional pain and suffering as follows:

- a) Lecturing and being a Catechist can quickly bring exposure, acceptance, trust, and confidence in a perisher's character.
- b) Long lasting friendships are much easier made and last for a long time.
- c) You are more likely to be invited to family events; i.e. Summer Cookouts, Holidays and Weddings..

RELIEF SOUGHT

- 1) Plaintiff, Richard C Foy, hereinafter, Foy, prays the court to award Foy damages commensurate with the crime the Church has committed against Foy.
- 2) Foy will be put on St. Mark's lector schedule immediately. For a year, Foy can choose how many times he wishes to lector, including, every ¹⁾ Mass, every day of the week upon the ruling by the Court.
- 3) A letter of reprimand be put into the Very Reverend John T Putnam, JV and Nancy McGahey

personnel files and remain there for life.

- 4) The Diocese will name Foy as their director of mental health, for the Diocese.
- 5) That the Diocese will fund the startup and continued operation for a state of the arts neurological hospital; which would include a Facility for treating patients with a mental illness.
- 6) This Hospital would be used by the world with priority given to Catholics who are permanent resident (2 years or more) of the United States.

This campus would include, but not inclusive, the following:

- a) A state-of-the-art neurological hospital, which will be located in a prominent place in Charlotte, North Carolina or a prominent location chosen by the Bishop.
- b) Housing for visiting doctors, research professionals from nations around the world, Interns and others short term professionals.
- c) Recovery living facilities for recovering patients.
- d) Class rooms for obtaining further degrees, industrial arts and apprentices.
- e) Athletic fields, tennis courts, swimming pools separate for doctors and patients.
- f) Sectional Conference Rooms
- g) Movie Theater
- h) Kitchen and Cafeteria
- i) Other facilities as the project may require as further information becomes available.

Respectfully submitted,

This the _____ day of _____, 2023

Richard C. Foy, pro se


Signature

By: _____
Richard C Foy
6015 Skyline Dr.
Charlotte, North Carolina 28269
Mobil: (704) 351-1303